

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

MYRIAM ESTHER BENITEZ DAVILA

Case No. 13-05911-MCF

Chapter 13

Attorney Name: JUAN O CALDERON LITHGOW\*

<b>I. Appearances</b> Debtor <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 40px;"><input type="checkbox"/> Absent</span> Joint Debtor <span style="margin-left: 40px;"><input type="checkbox"/> Present</span> <span style="margin-left: 40px;"><input type="checkbox"/> Absent</span> Attorney for Debtor <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 40px;"><input type="checkbox"/> Absent</span> <input type="checkbox"/> Prose <input type="checkbox"/> Appearing:	Date & Time: 9/26/2013 1:45:00PM <input checked="" type="checkbox"/> R <span style="margin-left: 40px;"><input type="checkbox"/> NR</span> LV: TBD <input checked="" type="checkbox"/> This is debtor(s) 1 Bankruptcy filing. Creditors: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <u>Banco Popular de P.R.-D.Vilches</u>  <u>Sucn.Sanjurjo Monge- Y.Vazquez, Esq.</u> </div>
<b>II. Oath Administered</b> <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Yes</span> <span style="margin-left: 40px;"><input type="checkbox"/> No</span>	
<b>III. Plan</b> Date: 09/22/2013 Base: \$6,000.00 Payments 2 made out of 2 due. Confirmation Hearing Date: 9/20/2013 1:30:00PM Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b) \$3,000.00 - \$400.00 = \$2,600.00	
<b>IV. Status of Meeting</b> <input checked="" type="checkbox"/> Closed <span style="margin-left: 40px;"><input type="checkbox"/> Not Held</span> <span style="margin-left: 40px;"><input type="checkbox"/> Held/Continued</span> <input type="checkbox"/> Held/Not Closed  <input type="checkbox"/> Continued Continued Date: Comments:	
<input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

MYRIAM ESTHER BENITEZ DAVILA

Case No. 13-05911-MCF

Chapter 13

Attorney Name: JUAN O CALDERON LITHGOW\*

(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☒ UNFAVORABLE

- ☐ Feasibility
- ☐ Insufficiently funded
- ☐ Unfair discrimination
- ☐ Fails disposable income
- ☐ Fails liquidation value test
- ☐ Insuarence quote

- ☒ No provision for secured creditor(s)  
COOP A/C Arecibo claim 2-1 (shares)
- ☐ Tax returns missing
  - ☐ State - years
  - ☐ Federal - years

Pending/Items/ Documents:

- ☐ DSO Recipient's Information
- ☐ Evidence of being current with DSO
- ☐ Evidence of income

- ☐ Monthly reports for the months
- ☐ Public Liability Insurance
  - ☐ Premises
  - ☐ Vehicle(s):
  - ☐ Licenses issued by:

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

MYRIAM ESTHER BENITEZ DAVILA

Case No. 13-05911-MCF

Chapter 13

Attorney Name: JUAN O CALDERON LITHGOW\*

Trustee's objection to confirmation

☒ Objection to Confirmation

☐ Oral objection by creditor

(1) Debtor to explain why the plan is feasible when she has testified that she has other expenses that do not enable her to comply with the plan payments.

(2) Debtor to explain why the plan dated 9-22-2013 should be confirmed, when she is not agreement with it.

(3) Debtor to provide further documentation to support her recent contention that she did not pay the \$5,000 debt to her nephew in April, 2013. As to this matter, debtor submitted to trustee, through her counsel a document that reflects such payment. Hours before the meeting of creditors today, debtor through counsel, provided a different version, which debtor ratified with her testimony today. In trustee's view, there is doubt as to whether the transfer did or did not take place and debtor has the burden to provide other documentation to demonstrate that the transfer did not take place. This issue is crucial, both, to assess the liquidation value and whether debtor's petition and plan were filed in good faith.

(4) Debtor to clarify why Statement of Financial Affairs discloses debtor's payment of \$5,000 to the nephew, when she is now alleging the payment was not made. Debtor clarified that the mentioned statement indicates that the nephew's name is Raul Davila, when his name is Raul Diaz Davila.

5) Statement of Financial Affairs, Item #9 has to divulge the additional \$400 received by debtor's counsel, for filing fees, etc.

(6) Debtor has not listed her bank account in Schedule B.

(7) Plan does not provide for secured creditor COOP Arecibo (surrender of shares).

The following party(ies) object(s) confirmation:

s/Miriam Salwen

Trustee/Presiding Officer

Date: 09/26/2013

(Rev. 05/13)